

MAIN OCT 28 2002

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR COUNTY INITIATED AMENDMENTS: **WESTGATE PROPERTIES- OKEECHOBEE/DONNELL PROPERTY (02-57 COM 1)** MODIFYING PAGE 57 OF THE FLUA BY CHANGING 4.80 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF OKEECHOBEE BOULEVARD AND DONNELL ROAD AND ON THE EAST SIDE OF DONNELL ROAD, APPROXIMATELY 440 FEET SOUTH OF OKEECHOBEE BOULEVARD, FROM COMMERCIAL HIGH, WITH AN UNDERLYING 8 UNITS PER ACRE (CH/8) ON 0.73 ACRE AND HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) ON 4.07 ACRES TO COMMERCIAL HIGH (CH); **WESTGATE PROPERTIES- WABASSO/GENESSEE PROPERTY (02-58 COM 1)** MODIFYING PAGE 58 OF THE FLUA BY CHANGING 2.16 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTHEAST CORNER OF WABASSO DRIVE AND GENESSEE AVENUE, FROM HIGH RESIDENTIAL, 8 UNITS PER ACRE (HR-8) TO COMMERCIAL HIGH (CH), PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 22, March 1, and March 8, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 8, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 28, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 28, 2002 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use
Element of the 1989 Comprehensive Plan

The following amendment to the Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 57 is amended as follows:

Application No.: 02-57 COM 1 (Westgate Properties-
Okeechobee/Donnell Property)

Amendment: From Commercial High, with an underlying 8 units per acre (CH/8) on 0.73 acre and High Residential, 8 units per acre (HR-8) on 4.07 acres to Commercial High (CH);

General Location: Southwest corner of Okeechobee Boulevard and Donnell Road and on the east side of Donnell Road, approximately 440 feet south of Okeechobee Boulevard;

Size: Approximately 4.80 acres;

B. Future Land Use Atlas page 58 is amended as follows:

Application No.: 02-58 COM 1 (Westgate Properties-
Wabasso/Genessee Property)

Amendment: From High Residential, 8 units per acre
(HR-8) to Commercial High (CH);

General Location: Southeast corner of Wabasso Drive and
Gennessee Avenue.

Size: Approximately 2.16 acres;

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If the Administration Commission issues a final order of noncompliance, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status,

1 a copy of which resolutions shall be sent to the Department of
2 Community Affairs, Bureau of Local Planning, 2555 Shumard Oak
3 Boulevard, Tallahassee, Florida 32399-2100.

4 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
5 Beach County, on the 28 day of August, 2002.

6
7 ATTEST:
8 DOROTHY H. WILKEN, Clerk

9 PALM BEACH COUNTY, FLORIDA,
10 BY ITS BOARD OF COUNTY COMMISSIONERS

11 By: *[Signature]*
12 Deputy Clerk

13 By: *[Signature]*
14 Warren H. Newell, Chairman

15 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

16 *[Signature]*
17 COUNTY ATTORNEY

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19 Filed with the Department of State on the 3 day
20 of September, 2002.

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24 T:\Planning\AMEND\02-1\admin\bccadopt\Ordinances\Westgate-ord.doc

EXHIBIT 1

A. Future Land Use Atlas page 57 is amended as follows:

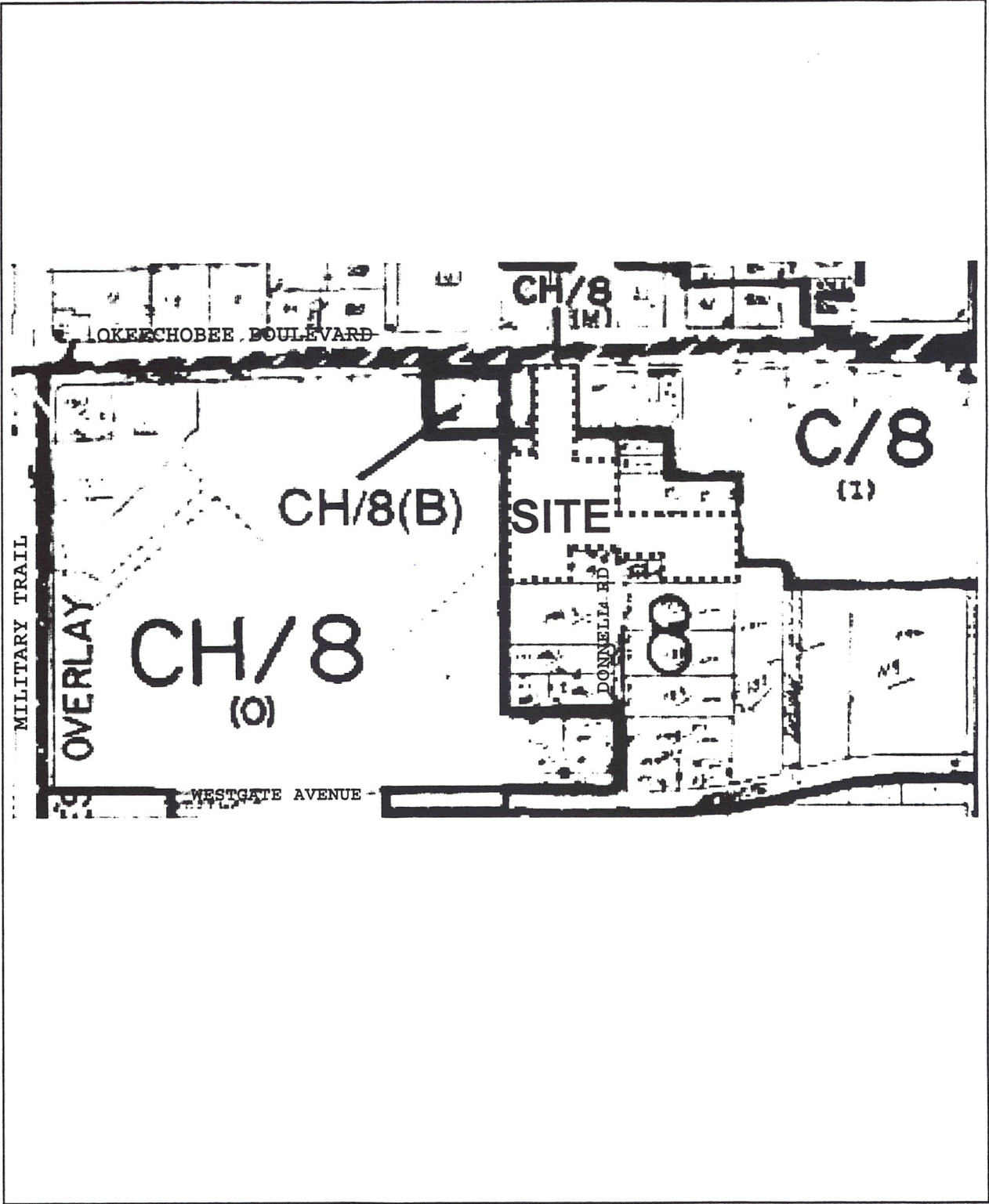
Amendment No.: 02-57 COM 1 (Okeechobee/Donnell)

Amendment: From Commercial High, with an underlying 8 units per acre (CH/8), on 0.73 acre and High Residential, 8 units per acre (HR-8) on 4.07 acres to Commercial High (CH)

Location: Southwest corner of Okeechobee Boulevard and Donnell Road and on the east side of Donnell Road, approximately 440 feet south of Okeechobee Boulevard

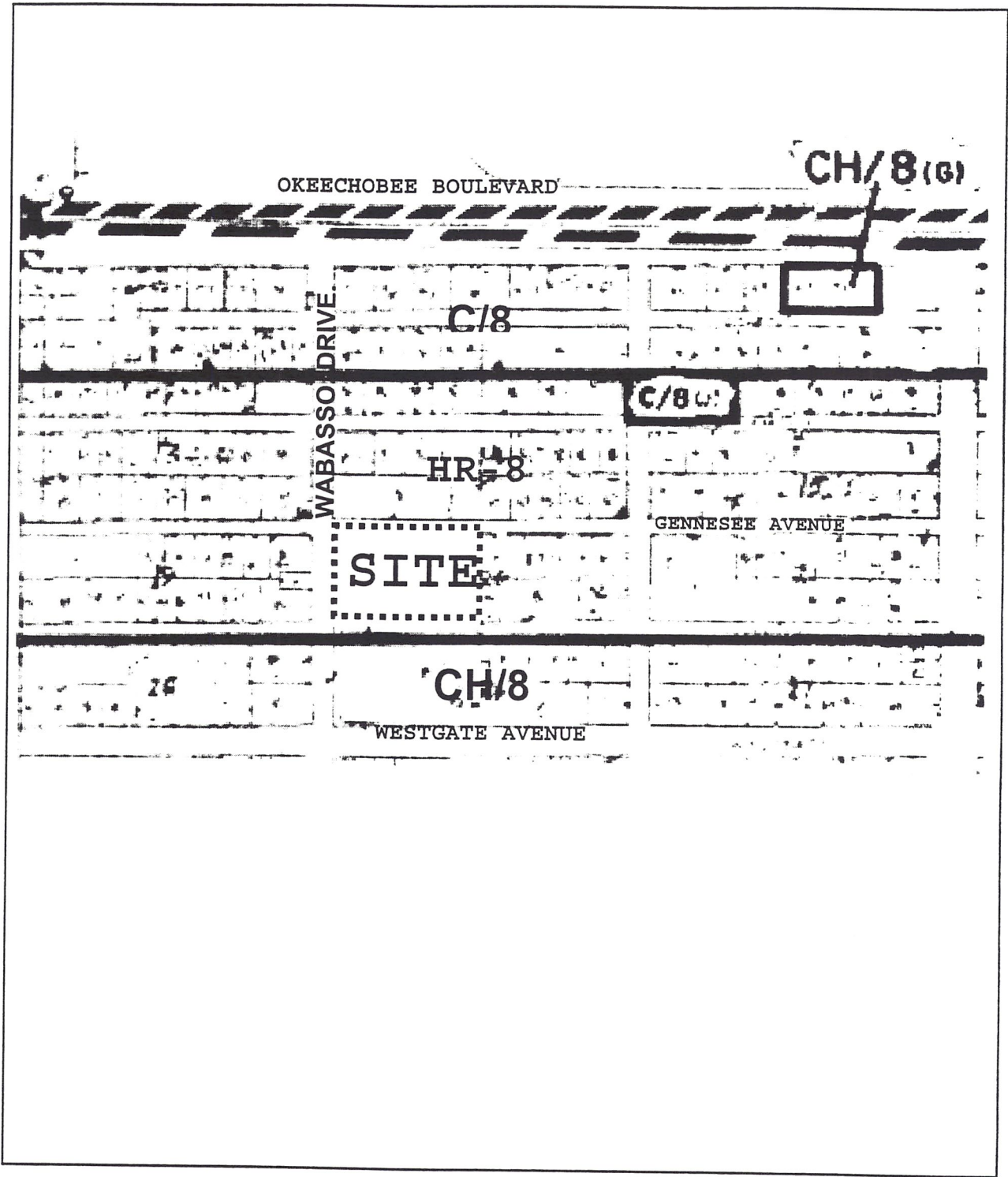
Size: Approximately 4.80 acres (combined)

Property No.: 00-42-43-25-22-001-0000 & -002-0000



B. Future Land Use Atlas page 58 is amended as follows:

Amendment No.: 02-58 COM 1 (Wabasso/Genessee Property)
Amendment: From High Residential, 8 units per acre (HR-8) to Commercial High (CH)
Location: Southeast corner of Wabasso Drive and Genessee Avenue
Size: Approximately 2.16 acres
Property No.: 00-43-43-30-03-020-0010



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 28, 2002
DATED at West Palm Beach, FL on 10/10/02
DOROTHY H. WILKEN, Clerk
By: Deane Brown D.C.